

## AMENDMENTS TO THE CLAIMS

1. **(Currently amended)** An isolated nucleic acid comprising a sequence as defined in SEQ ID NO:1 or a fragment thereof, wherein the fragment is less than 150 nucleotides in length and comprises a sequence of 15 or more nucleotides from SEQ ID NO: [3]] 4 and SEQ ID NO: 9.

### 2.-5. (Cancelled)

6. **(Previously presented)** A vector comprising a nucleic acid according to Claim 1.

7. **(Previously presented)** A recombinant host cell comprising the vector in accordance with claim 6.

8. **(Previously presented)** A recombinant host cell according to Claim 7, wherein the vector expresses a polypeptide comprising a sequence as defined in SEQ ID NO: 10.

### 9-23. (Cancelled)

24. **(Previously presented)** A kit comprising the isolated nucleic acid as set forth in Claim 1 and reagents for detecting hybridization of said nucleic acid.

### 25-27. (Cancelled)

28. **(Previously presented)** A method for screening a subject for infection by a virus of the herpesviridae group, the method comprising:

- (a) obtaining a biological sample from said subject;
- (b) contacting said biological sample from said subject with an isolated nucleic acid of claim 1; and
- (c) detecting the presence or absence of hybridization between a nucleic acid in said biological sample and the isolated nucleic acid of claim 1, wherein the presence of hybridization indicates infection.

### 29. (Cancelled)

30. **(Previously presented)** The method of claim 28, wherein the isolated nucleic acid is capable of selectively hybridizing to a nucleic acid encoding an IL-10 homologue expressed during the latent phase of infection by a virus of the herpesvirideae group.

31. **(Canceled)**

32. **(Canceled)**

33-39. **(Canceled)**

40. **(Withdrawn)** An immunogenic composition comprising the nucleic acid of Claim 1, wherein said nucleic acid encodes an antigenic fragment of SEQ ID NO: 10, together with a pharmaceutically acceptable carrier, adjuvant and/or diluent.

41. **(Withdrawn)** A method for inducing an immune response in a vertebrate against disease associated with infection by a virus of the herpesvirideae group, comprising administering to said vertebrate an immunologically effective amount of a vaccine of claim 40, wherein said method induces an immune response.

42. **(Withdrawn)** A method for the treatment and/or prophylaxis of disease associated with infection by a virus of the herpesvirideae group in a vertebrate, wherein said method comprises administering a therapeutically effective amount of the vaccine of claim 40, wherein said method treats or prevents disease associated with infection by a virus of the herpesvirideae group in a vertebrate.

43. **(Withdrawn)** The method of claim 41, wherein the vaccine is simultaneously or sequentially administered with cytokines.

44. **(Withdrawn)** The method of claim 43, wherein the cytokines are selected from the group consisting of: G-CSF, GM-CSF and interleukins.

45-51. **(Canceled)**

52. (Previously presented) A method of diagnosing infection or lack of infection of a subject by a virus of the herpesviridae group, the method comprising:

- (a) obtaining a biological sample from said subject;
- (b) contacting said biological sample from said subject with the isolated nucleic acid of claim 1;
- (c) detecting the presence or absence of hybridization between a nucleic acid in said biological sample and the isolated nucleic acid of claim 1, and
- (d) diagnosing infection of said subject based on the presence of said hybridization or diagnosing lack of infection based on the absence of said hybridization.

53-57. (Cancelled)

58. (Currently amended) The isolated nucleic acid of Claim 1, wherein said nucleic acid consists of said sequence as defined in SEQ ID NO: 1 or a fragment thereof that is less than 150 nucleotides in length and comprises ~~comprising a sequence of 15 or more nucleotides from SEQ ID NO: [[3]] 4 and SEQ ID NO: 9.~~

59. (Previously presented) A method of diagnosis of a latent infection by a virus of the herpesviridae group in a subject, the method comprising:

- (a) obtaining a biological sample from said subject; and
- (b) detecting the presence or absence of a nucleic acid according to Claim 1 in the sample, wherein detection of said nucleic acid is diagnostic of said latent infection.

60. (Currently amended) The method of claim 59, wherein said detecting utilizes a fragment of a nucleic acid as defined in SEQ ID NO: 1, wherein the fragment comprises the a sequence of as defined in SEQ ID NO: [[3]] 4 or SEQ ID NO: 9..

61. (Currently amended) The method of claim 60, wherein said detecting is by polymerase chain reaction utilizing a nucleic acid as defined in SEQ ID NO: [[3]] 4 in combination with a nucleic acid fragment as defined in any one of SEQ ID NOs: [[4]] 5-9.

62. (Cancelled)